

Rule Summary and Fiscal Analysis (Part A)**Ohio Department of Medicaid**

Agency Name

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Division

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5160-3-42

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Nursing facilities (NFs): chart of accounts.**RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **No**2. Are you proposing this rule as a result of recent legislation? **Yes**Bill Number: **483**General Assembly: **131**Sponsor: **Amstutz**3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**4. Statute(s) authorizing agency to adopt the rule: **5164.02**5. Statute(s) the rule, as filed, amplifies or implements: **5165.01, 5165.10, 5165.1010, 5165.34, 5165.47**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being filed to amend Appendix A.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule sets forth the chart of accounts to be used for Medicaid nursing facility cost reporting.

There are no changes being made to this rule. However, a change is being made to Appendix A of this rule to remove account 6207 "Behavioral and Mental Health Services" from direct care costs. This change is being made due to provisions in HB 483 of the 131st General Assembly that removed behavioral and mental health services

from the direct care component of the nursing facility per diem rate. Payment for behavioral and mental health services, which are included in Ancillary/Support Costs, are made directly to the provider of those services.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

Not Applicable

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not Applicable

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

With the revised filing of this rule, several additional changes are being made to Appendix A. Those changes are:

1. Account 6207 "Behavioral and Mental Health Services" is being removed from direct care costs. This change is being made due to provisions in HB 483 of the 131st General Assembly that removed behavioral and mental health services from the direct care component of the nursing facility per diem rate. Instead, payment for behavioral and mental health services, which are included in Ancillary/Support Costs, are made directly to the provider of those services.
2. Account 6322 "Oxygen (only through 12/31/13)" is being removed from direct care costs. This change is being made because provisions in HB 59 of the 130th General Assembly removed oxygen from the direct care component of the nursing facility per diem rate effective January 1, 2014. Instead, costs for non-emergency oxygen are paid directly to the oxygen provider.
3. In Account 7631 "Resident Transportation," the note that ambulance and ambulette transportation provided on or after January 1, 2014 can be billed directly to Medicaid by the transportation provider is being removed because it is no longer necessary.

4. Account 7735 "Custom Wheelchairs (only through 12/31/13)" is being removed from direct care costs. This change is being made because provisions in HB 59 of the 130th General Assembly removed custom wheelchairs from the direct care component of the nursing facility per diem rate effective January 1, 2014. Instead, costs for custom wheelchairs are paid directly to the provider.
5. Under the category "Non-Reimbursable Expenses," language is being modified to remove the phrase "regarding therapy" because the language is obsolete, and to clarify that certain items and services may be paid directly to the provider of the item or service.
6. In Account 9720 "Non-Emergency Oxygen," the note is being removed that states costs for non-emergency oxygen should be reported in this account or after January 1, 2014 because the note is no longer necessary.
7. In Account 9725 "Other Non-Reimbursable," the note is being removed that states costs for wheelchairs should be reported in this account on or after January 1, 2014 because the note is no longer necessary. Also in Account 9725, language is being added that costs for custom wheelchairs are to be reported in this account.

12. Five Year Review (FYR) Date: **11/6/2019**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

This proposed rule will not change the agency's projected budget during the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not Applicable

15.

Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

There are no estimated costs of compliance to nursing facility providers.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **No**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **No**

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**